United Nations S/2017/529

Security Council

Distr.: General
21 June 2017

Original: English

France: draft resolution

The Security Council,

Recalling its previous resolutions and the statements of its President concerning the Democratic Republic of the Congo (DRC),

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the DRC as well as all States in the region and *emphasizing* the need to respect fully the principles of non-interference, good neighbourliness and regional cooperation,

Stressing the primary responsibility of the Government of the DRC for ensuring security in its territory and protecting its populations with respect for the rule of law, human rights and international humanitarian law, including protection from crimes against humanity and war crimes,

Taking note of the interim report (S/2016/1102) of the Group of Experts on the DRC ("the Group of Experts") established pursuant to resolution 1533 (2004) and extended pursuant to resolutions 1807 (2008), 1857 (2008), 1896 (2009), 1952 (2010), 2021 (2011), 2078 (2012), 2136 (2014), 2198 (2015) and 2293 (2016),

Condemning in the strongest terms the killing of two members of the Group of Experts who were monitoring the sanctions regime in the Kasaï Central region, expressing its deepest sympathy to the families of the victims, the Governments of the United States, Chile and Sweden, as well as to the Group of Experts on the DRC and the UN Secretariat, and *further expressing concern* over the unknown status of the four Congolese nationals accompanying them,

Reiterating the need for the Government of the DRC to swiftly and fully investigate the killing of the two members of the Group of Experts and bring the perpetrators to justice, *calling upon* the Government of the DRC to cooperate with the United Nations enquiries, as well as with law enforcement investigations that may be conducted by Sweden or the United States, in accordance with DRC national legislation, and in this context, *welcoming* the Secretary-General's establishment of a UN Board of Inquiry to investigate the deaths of the two experts and his commitment that the United Nations will do everything possible to ensure that the perpetrators are brought to justice,

Recalling the strategic importance of the implementation of the Peace, Security and Cooperation (PSC) Framework for the DRC and the region, and *reiterating* its call to all signatories to fulfil promptly, fully and in good faith their respective commitments under this agreement in order to address the root causes of conflict and put an end to recurring cycles of violence,

Recalling the commitments under the PSC Framework by all States of the region not to interfere in the internal affairs of neighbouring countries, and to neither tolerate nor provide assistance or support of any kind to armed groups, and *reiterating* its strong condemnation of any and all internal or external support to armed groups active in the region, including through financial, logistical or military support,

Remaining greatly concerned by the security and humanitarian situation that continues to severely affect the civilian population, *expressing deep concern* regarding the recent surge in the number of internally displaced persons in the DRC, *further reiterating* its deep concern regarding the ongoing military activities of foreign and domestic armed groups and the smuggling of Congolese natural resources, in particular gold and ivory, *stressing* the importance of neutralizing all armed groups, including the Democratic Forces for the Liberation of Rwanda (FDLR), the Allied Democratic Forces (ADF), the Lord's Resistance Army (LRA), and all other armed groups in the DRC, in line with resolution 2348 (2017),

Condemning the violence witnessed in the Kasai region over recent months and expressing serious concerns at alleged violations and abuses of human rights committed in the region, *reiterating its serious concern* at serious violations of international humanitarian law committed by local militia in that region, recruitment and use of children in armed conflict in violation of applicable international law, as well as attacks on the Democratic Republic of the Congo security forces and symbols of State authority, *further reiterating* its *serious concerns* at the recent reports of 42 mass graves and of killings of civilians by members of the security forces of the Democratic Republic of the Congo, all of which might constitute war crimes under international law,

Reiterating the importance and urgency of prompt and transparent investigations into violations of international humanitarian law and violations and abuses of human rights in the Kasais region, *further reiterating* its intention to closely monitor progress of the investigations into these violations, including the disproportionate use of force, which will be conducted jointly by the Government of the DRC, MONUSCO and the United Nations Joint Human Rights Office in the DRC, and in collaboration with the AU, as announced by the Government of the DRC, in order to bring to justice and hold accountable all those responsible, and *looking forward* to their results,

Condemning the brutal killings of more than 600 civilians in the Beni area since October 2014, *expressing deep concern* regarding the continued threat posed by armed groups, in particular the ADF, and the persistence of violence in this region, *further expressing concern* at reports of collaboration between elements of the FARDC and armed groups at a local level, in particular recent reports of individual officers of the FARDC playing a role in the insecurity in the region of Beni, *calling* for investigations in order to ensure that those responsible are held to account, *noting* the commitment expressed by the Government of the DRC in its letter of 15 June 2016 (S/2016/542),

Expressing further concern at increased impediments to humanitarian access in eastern DRC resulting from insecurity and violence, as well as continued attacks against humanitarian actors and assets, *underlining* that such acts could be the basis for designation pursuant to paragraph 2 of this resolution, and *calling upon* all parties in the conflict to respect the impartiality, independence and neutrality of humanitarian actors,

Reaffirming the importance of completing the permanent demobilization of the former 23 March Movement (M23) combatants, *stressing* the importance of ensuring that its ex-combatants do not regroup or join other armed groups, and

calling for the acceleration of the implementation of the Nairobi Declarations and of the Disarmament, Demobilisation, Repatriation, Reintegration and Resettlement (DDRRR) of M23 ex-combatants, including by overcoming obstacles to repatriation, in coordination with the regional States concerned,

Condemning the illicit flow of weapons within and into the DRC, including their recirculation to and between armed groups, in violation of resolutions 1533 (2004), 1807 (2008), 1857 (2008), 1896 (2009), 1952 (2010), 2021 (2011), 2078 (2012), 2136 (2014), 2198 (2015) and 2293 (2016), and *declaring* its determination to continue to monitor closely the implementation of the arms embargo and other measures set out by its resolutions concerning the DRC,

Acknowledging in this respect the important contribution the Council-mandated arms embargo makes to countering the illicit transfer of small arms and light weapons in the DRC, and in supporting post-conflict peacebuilding, disarmament, demobilization and reintegration of ex-combatants and security sector reform,

Underlining that the transparent and effective management of its natural resources and ending illegal smuggling and trafficking of such resources are critical for the DRC's sustainable peace and security, *expressing concern* at the illegal exploitation and trafficking of natural resources by armed groups, and the negative impact of armed conflict on protected natural areas, *commending* the efforts of the DRC park rangers and others who seek to protect such areas, *encouraging* the Government of the DRC to continue efforts to safeguard these areas, and *stressing* its full respect for the sovereignty of the Government of the DRC over its natural resources and its responsibility to effectively manage these resources in this regard,

Recalling the linkage between the illegal exploitation of natural resources, including poaching and illegal trafficking of wildlife, illicit trade in such resources, and the proliferation and trafficking of arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region, and encouraging the continuation of the regional efforts of the International Conference of the Great Lakes Region (ICGLR) and the governments involved against the illegal exploitation of natural resources, and *stressing*, in this regard, the importance of regional cooperation and deepening economic integration with special consideration for the exploitation of natural resources,

Noting the Group of Experts' findings that there have been positive efforts related to the minerals trade and traceability schemes but that gold remains a serious challenge, *recalling* the ICGLR's Lusaka Declaration of the Special Session to Fight Illegal Exploitation of Natural Resources in the Great Lakes Region and its call for industry due diligence, *commending* the ICGLR's commitment and progress on this issue and *underscoring* that it is critical for regional governments and trading centres, particularly those involved in gold refining and the gold trade to intensify efforts to increase vigilance against smuggling and reduce practices that could undermine the DRC and ICGLR's regional efforts,

Noting with concern reports indicating the continued involvement of armed groups, as well as some elements of the FARDC, in the illegal minerals trade, the illegal production and trade of charcoal and wood, and wildlife poaching and trafficking,

Noting with great concern the persistence of serious human rights abuses and international humanitarian law violations against civilians in the eastern part of the DRC, including summary executions, sexual and gender-based violence and large scale recruitment and use of children committed by armed groups,

Recalling that full and timely implementation of the 31 December 2016 agreement is critical in supporting the legitimacy of the transitional institutions,

stressing the crucial importance of a peaceful and credible electoral cycle, in accordance with the Constitution and respecting the African Charter on Democracy, Elections and Governance, for lasting stabilisation and consolidation of constitutional democracy in the DRC, and *calling for* the immediate implementation of confidence-building measures, as per the agreement, including by putting an end to restrictions of the political space in the DRC, in particular arbitrary arrests and detention of members of the political opposition and of civil society, as well as restrictions of fundamental freedoms such as the freedom of opinion and expression, including freedom of the press, *further stressing* the importance of the Government of the DRC and its national partners taking all necessary steps to accelerate preparations for the elections without further delays, including participation of women at all levels and to ensure an environment conducive to the peaceful and inclusive conduct of political activities, and the holding of elections, as per the 31 December agreement,

Remaining deeply concerned by reports of an increase in serious human rights and international humanitarian law violations committed by some members of the FARDC, the National Intelligence Agency, the Republican Guard and Congolese National Police (PNC), *urging* all parties to refrain from violence and provocation as well as to respect human rights, and *emphasizing* that the Government of the DRC must comply with the principle of proportionality in the use of force,

Recalling the importance of fighting against impunity within all ranks of its security forces, and *stressing the need* for the Government of the DRC to continue its efforts in this regard and to ensure the professionalism of its security forces,

Calling for all those responsible for violations of international humanitarian law and violations or abuses of human rights including those involving violence or abuses against children and acts of sexual and gender-based violence, to be swiftly apprehended, brought to justice and held accountable,

Recalling all its relevant resolutions on women and peace and security, on children and armed conflict, and on the protection of civilians in armed conflicts, also *recalling* the conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to the parties in armed conflict of the DRC (S/AC.51/2014/3) adopted on 18 September 2014,

Welcoming the efforts of the Government of the DRC, including the Presidential Adviser on Sexual Violence and the Recruitment of Children, to cooperate with the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Representative of the Secretary-General on Sexual Violence, and MONUSCO, to implement the action plan to prevent and end the recruitment and use of children and sexual violence by the FARDC, and to combat impunity for conflict-related sexual violence, including sexual violence committed by the FARDC,

Noting the critical importance of effective implementation of the sanctions regime, including the key role that neighbouring States, as well as regional and subregional organizations, can play in this regard and *encouraging* efforts to further enhance cooperation,

Underlining the fundamental importance of timely and detailed notifications to the Committee concerning arms, ammunition and training as set out in section 11 of the Guidelines of the Committee,

Determining that the situation in the DRC continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

Sanctions regime

1. *Decides* to renew until 1 July 2018 the measures as set out in paragraph 1 to 6 of resolution 2293 (2016), including its reaffirmations therein, and *decides* to review the provisions of the present resolution by 31 October 2017 following submission of the final report referred to in paragraph 5 of this resolution;

2. *Reaffirms* that measures described in paragraph 5 of resolution 2293 shall apply to individuals and entities as designated by the Committee for engaging in or providing support for acts that undermine the peace, stability or security of the DRC, as set forth in paragraph 7 of resolution 2293 (2016);

3. *Decides* that such acts include planning, directing, sponsoring or participating in attacks against MONUSCO peacekeepers or United Nations personnel, including members of the Group of Experts;

Group of experts

4. *Decides* to extend until 1 August 2018 the mandate of the Group of Experts, *expresses its intention* to review the mandate and take appropriate action regarding the further extension no later than 1 July 2018, and *requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Group of Experts, in consultation with the Committee, drawing, as appropriate, on the expertise of the members of the Group established pursuant to previous resolutions;

5. *Extends* to 15 August 2017 the deadline for the submission of the final report of the Group of Experts requested in paragraph 9 of resolution 2293 (2016), given the extraordinary circumstances under which the Group of Experts is currently operating and taking into account the letter dated 15 June 2017 from the Chair of the Committee to the President of the Security Council;

6. *Requests* the Group of Experts to fulfil its mandate as consolidated below, and to provide to the Council, after discussion with the Committee, a mid-term report no later than 30 December 2017, and a final report no later than 15 June 2018, as well as submit monthly updates to the Committee, except to the months where the mid-term and final reports are due;

(a) assist the Committee in carrying out its mandate, including through providing the Committee with information relevant to the potential designation of individuals and entities who may be engaging in the activities described in paragraph 2 of this resolution;

(b) gather, examine and analyse information regarding the implementation, with a focus on incidents of non-compliance, of the measures decided in this resolution;

(c) consider and recommend, where appropriate, ways of improving the capabilities of Member States, in particular those in the region, to ensure the measures imposed by this resolution are effectively implemented;

(d) gather, examine and analyse information regarding the regional and international support networks to armed groups and criminal networks in the DRC;

(e) gather, examine and analyse information regarding the supply, sale or transfer of arms, related materiel and related military assistance, including through illicit trafficking networks and the transfer of arms and related materiel to armed groups from the DRC security forces;

(f) gather, examine and analyse information regarding perpetrators of serious violations of international humanitarian law and human rights violations and abuses, including those within the security forces, in the DRC,

(g) evaluate the impact of minerals traceability referred to in paragraph 21 of this resolution and continue collaboration with other forums;

(h) assist the Committee in refining and updating information on the list of individuals and entities subject to the measures imposed by this resolution, including through the provision of identifying information and additional information for the publicly-available narrative summary of reasons for listing;

7. *Expresses* its full support to the Group of Experts and calls for enhanced cooperation between all States, particularly those in the region, MONUSCO, relevant UN bodies and the Group of Experts, *encourages* further that all parties and all States ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control and *reiterates* its demand that all parties and all States ensure the safety of its members and its support staff, and that all parties and all States, including the DRC and countries of the region, provide unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate;

8. *Calls upon* the Group of Experts to cooperate actively with other Panels or Groups of Experts established by the Security Council, as relevant to the implementation of its mandate;

Armed groups

9. *Strongly condemns* all armed groups operating in the region and their violations of international humanitarian law as well as other applicable international law, and abuses of human rights including attacks on the civilian population, MONUSCO peacekeepers and humanitarian actors, summary executions, sexual and gender-based violence and large scale recruitment and use of children, and *reiterates* that those responsible will be held accountable;

10. *Demands* that the FDLR, the ADF, the LRA and all other armed groups operating in the DRC cease immediately all forms of violence and other destabilizing activities, including the exploitation of natural resources, and that their members immediately and permanently disband, lay down their arms, and liberate and demobilize all children from their ranks;

National and Regional Commitments

11. *Welcomes* the progress made to date by the Government of the DRC on ending the recruitment and use of children in armed conflict, *urges* the Government of the DRC to continue the full implementation and dissemination throughout the military chain of command, including in remote areas, of its commitments made in the action plan signed with the United Nations, and for the protection of girls and boys from sexual violence, and further *calls upon* the Government of the DRC to ensure that children are not detained on charges related to association with armed groups;

12. *Welcomes* efforts made by the Government of the DRC to combat and prevent sexual violence in conflict, including progress made in the fight against impunity, and *calls on* the Government of DRC to further pursue its action plan commitments to end sexual violence and violations committed by its armed forces and continue efforts in that regard, noting that failure to do so may result in the FARDC being named again in future Secretary-General's reports on sexual violence;

13. *Stresses* the importance of the Government of the DRC actively seeking to hold accountable those responsible for war crimes and crimes against humanity in the country and of regional cooperation to this end, including through its ongoing cooperation with the International Criminal Court, *encourages* MONUSCO to use its existing authority to assist the government of the DRC in this regard, and *calls on* all signatories of the PSC Framework to continue to implement their commitments and cooperate fully with one another and the Government of the DRC, as well as MONUSCO to this end;

14. *Recalls* that there should be no impunity for any of those responsible for violations of international humanitarian law and violations and abuses of human rights in the DRC and the region, and, in this regard, *urges* the DRC, all countries in the region and other concerned UN Member States to bring perpetrators to justice and hold them accountable, including those within the security sector;

15. *Calls on* the Government of the DRC to continue to enhance stockpile security, accountability and management of arms and ammunition, with the assistance of international partners, to address ongoing reports of diversion to armed groups, as necessary and requested, and to urgently implement a national weapons marking program, in particular for state-owned firearms, in line with the standards established by the Nairobi Protocol and the Regional Centre on Small Arms;

16. *Emphasizes* the primary responsibility of the Government of the DRC to reinforce State authority and governance in eastern DRC, including through effective security sector reform to allow army, police and justice sector reform, and to end impunity for violations and abuses of human rights and violations of international humanitarian law, and *urges* the Government of the DRC to increase efforts in this regard, in accordance with its national commitments under the PSC Framework;

17. *Urges* the Government of the DRC as well as all relevant parties to swiftly implement the 31 December 2016 "Comprehensive and Inclusive Political Agreement" and to ensure an environment conducive to a free, fair, credible, inclusive, transparent, peaceful and timely electoral process, in accordance with the Congolese Constitution, and *recalls* all relevant paragraphs of resolution 2348 (2017);

18. *Calls upon* all States, especially those in the region, to take effective steps to ensure that there is no support, in or from their territories, for armed groups in, or travelling through, the DRC, stressing the need to address the networks of support, the recruitment and use of child soldiers, financing and recruitment of armed groups active in the DRC, as well as the need to address the ongoing collaboration between FARDC elements and armed groups at a local level, and *calls upon* all States to take steps to hold accountable, where appropriate, leaders and members of the FDLR and other armed groups residing in their countries;

Natural Resources

19. *Further encourages* the continuation of efforts by the Government of the DRC to address issues of illegal exploitation and smuggling of natural resources, including holding accountable those elements of the FARDC which participate in the illicit trade of natural resources, particularly gold and wildlife products;

20. *Stresses* the need to undertake further efforts to cut off financing for armed groups involved in destabilizing activities through the illicit trade of natural resources, including gold or wildlife products;

21. *Welcomes* in this regard the measures taken by the Congolese Government to implement the due diligence guidelines on the supply chain of

minerals, as defined by the Group of Experts and the Organization for Economic Cooperation and Development (OECD), *recognizes* the Congolese Government's efforts to implement minerals traceability schemes, and *calls on* all States to assist the DRC, the ICGLR and the countries in the Great Lakes region to develop a responsible minerals trade;

22. *Welcomes* measures taken by the Governments in the region to implement the Group of Experts due diligence guidelines, including adopting the Regional Certification Mechanism of the ICGLR into their national legislation, in accordance with OECD Guidance and international practice, *requests* the extension of the certification process to other Member States in the region, and *calls on* all States, particularly those in the region, to continue to raise awareness of the due diligence guidelines, including by urging importers, processing industries, including gold refiners, and consumers of Congolese mineral products to exercise due diligence in accordance with paragraph 19 of resolution 1952 (2010);

23. *Encourages* the ICGLR and ICGLR Member States to work closely with the industry schemes currently operating in the DRC to ensure sustainability, transparency, and accountability of operations, and further *recognizes* and *encourages* the DRC government's continued support for the establishment of traceability and diligence systems to allow for the export of artisanal gold;

24. *Continues to encourage* the ICGLR to put in place the necessary technical capacity required to support Member States in their fight against the illegal exploitation of natural resources, *notes* that some ICGLR Member States have made significant progress, and *recommends* all Member States to fully implement the regional certification scheme and report mineral trade statistics in accordance with paragraph 19 of resolution 1952 (2010);

25. *Encourages* all States to continue efforts to end the illicit trade in natural resources, in particular in the gold sector, and to hold those complicit in the illicit trade accountable, as part of broader efforts to ensure that the illicit trade in natural resources is not benefiting sanctioned entities, armed groups or criminal networks, including those with members in the FARDC;

26. *Reaffirms* the provisions of paragraphs 7 to 9 of resolution 2021 (2011) and *calls upon* the DRC and States in the Great Lakes region to cooperate at the regional level to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation of natural resources, including wildlife poaching and trafficking, and require their customs authorities to strengthen their control on exports and imports of mineral from the DRC;

Role of MONUSCO

27. *Recalls* the mandate of MONUSCO as outlined in resolution 2348 (2017), in particular in paragraph 30 underlining the importance of enhanced political and conflict-related analysis, including by collecting and analysing information on the criminal networks which support the armed groups, paragraph 35 (iii) regarding the monitoring of the implementation of the arms embargo, and paragraph 35 (iv) on mining activities;

28. *Encourages* timely information exchange between MONUSCO and the Group of Experts in line with paragraph 43 of resolution 2348 (2017), and *requests* MONUSCO to assist the Committee and the Group of Experts, within its capabilities;

Sanctions Committee, Reporting and Review

29. *Calls upon* all States, particularly those in the region and those in which individuals and entities designated pursuant to paragraph 2 of this resolution are based, to regularly report to the Committee on the actions they have taken to implement the measures imposed by paragraphs 1, 4, and 5 and recommended in paragraph 8 of resolution 1952 (2010);

30. *Emphasizes* the importance for the Committee of holding regular consultations with concerned Member States, as may be necessary, in order to ensure full implementation of the measures set forth in this resolution;

31. *Requests* the Committee to report orally, through its Chair, at least once per year to the Council, on the state of the overall work of the Committee, including alongside the Special Representative of the Secretary-General for the DRC on the situation in the DRC as appropriate, and encourages the Chair to hold regular briefings for all interested Member States;

32. *Requests* the Committee to identify possible cases of non-compliance with the measures pursuant to paragraphs 1, 4 and 5 of resolution 2293 (2016) and to determine the appropriate course of action on each case, and *requests* the Chair, in regular reports to the Council pursuant to paragraph 31 of this resolution, to provide progress reports on the Committee's work on this issue;

33. *Requests* the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative for Sexual Violence in Conflict to continue sharing relevant information with the Committee in accordance with paragraph 7 of resolution 1960 (2010) and paragraph 9 of resolution 1998 (2011);

34. *Decides* that, when appropriate and no later than 1 July 2018, it shall review the measures set forth in this resolution, with a view to adjusting them, as appropriate, in light of the security situation in the DRC, in particular progress in security sector reform and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups, with a particular focus on children among them, and compliance with this resolution;

35. *Decides* to remain actively seized of the matter.